IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SIXTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 11625 of 2004

Between:

Jukkal Intideepam Mutually Aided Cooperative Society Limited,
rep. by its President, Laxmi Bai W/o Ganga Ram aged about 40 years

R/o Nizamabad District.

..... PETITIONER

AND

1 The District Level Committee rep. by its Chairperson, Nizamabad District
2 The District Collector, Nizamabad
3 The Director of Ground Water Department Hyderabad
4 The District Panchayat Officer, Nizamabad
5 The Reveneue Divsional Officer, Bodhan
Nizamabad district

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or writ one in the nature of writ of Mandamus, declaring the action of the respondents in proceedings No.310/2003-B7(pts), dt. 19/05/2004 in not granting the lease period proportionately of non operation for quarrying sand in Hasgul sand reach, Bichkond Mandal, Nizamabad district as arbitrary, illegal, unjust and unconstitutional and consequently direct the respondents to grant the period of non operation of quarrying sand in respect of Hasgul sand reach, Bichkonda Mandal, Nizamabad District.

Counsel for the Petitioner : SMT.N.SHOBA

Counsel for the Respondents : GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.11625 OF 2004

ORAL ORDER:

This writ petition is filed seeking a declaration that the proceedings dated 19-05-2003 issued by the fourth respondent – The District Panchayat Officer, Nizamabad in not granting the lease period proportionately for non-operation of quarrying sand in Hasgul Sand Reach, Bichkonda Mandal, Nizamabad District as arbitrary and illegal.

In the counter-affidavit filed on behalf of the respondents, it is stated that in view of the report of the Ground Water Department and keeping in view the welfare of the people in exercise of the powers conferred under Rule 9(v) of the Rules issued in G.O.Ms.No.1, Industries & Commerce (M1) Department, dated 01-01-2001, the District Collector has denotified all the sand reaches in Majeera River Basin of Bichkunda Mandal vide proceedings dated 27-02-2004. It is also stated that in pursuance of the orders of this Court in W.P.Nos.12401 & 13571 of 2003

proceedings dated 19-05-2003 have been issued to return the proportionate amount of Rs.3,36,702/- to the petitioner for the period during which the Quarry was not operated. It is further stated that though the District Level Committee has decided to extend the lease of the petitioner upto 31-10-2003 on payment of proportionate amount including 10% enhancement on first year lease amount, since sand mining has been banned in the entire Manjeera River Basin in Bichkunda Mandal, the extension of lease in favour of the petitioner was not granted.

The fact that the entire area has been denotified by the District Collector in exercise of statutory powers has not been disputed by the learned Counsel for the petitioner.

In the circumstances, recording the statement of the respondents, the Writ Petition is disposed of with a direction that as and when the ban is lifted, the case of the petitioners for grant of lease be considered in accordance with law.

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26TH November, 2004.

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To

1 The Chair Person, District Level Committee, Nizamabad District
2 The District Collector, Nizamabad
3 The Director of Ground Water Department Hyderabad
4 The District Panchayat Officer, Nizamabad
5 The Reveneue Divsional Officer, Bodhan
Nizamabad district

6.2CCs to G.P. for Panchayat Raj & Rural Development, High Court of AP Bldgs,

Hyderabad. (OUT).

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